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13    Paul A. Melchiorre, Hatim A. Tyabji,

14    Robert E. Knowling, Paul Touw and

15    nominal defendant Ariba

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1 Pursuant to the stipulation between Plaintiff and the Defendants dated August 4,  
2 2005, and good cause appearing therefore, IT IS HEREBY ORDERED that this action  
3 shall be, and hereby is, dismissed on the following terms and conditions.

4 1. The dismissal is without prejudice.

5 2. All attorney's fees and costs shall be taxed against the party incurring  
6 same.

7 3. Under the circumstances notice pursuant to Rule 23.1 of the Federal  
8 Rules of Civil Procedure shall not be required.

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10 DATED this 4th day of August, 2005.

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12 /s/electronic signature authorized

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The Honorable Jeremy F. Fogel  
United States District Judge

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